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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

JUSTIN CABATIT, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

PROSCIEN TO, INC., a Delaware corporation;
PROSCIEN TO CLINICAL RESEARCH
VENTURES, INC., a Delaware corporation;
and DOES 1-50, Inclusive,

Defendants.

Case No. 37-2023-00051828-CU-OE-CTL

**DECLARATION OF JUSTIN CABATIT IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT**

Date: May 2, 2025

Time: 10:15 a.m.

Judge: Hon. Wendy M. Behan

Dept.: C-66

1 I, JUSTIN CABATIT, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above wage and hour class action filed against PROSCIENTO, INC., a Delaware corporation, and
5 PROSCIENTO CLINICAL RESEARCH VENTURES, INC., a Delaware corporation (“Defendants”).

6 2. This declaration is being submitted in support of Plaintiff’s motion for Preliminary
7 Approval of Class and PAGA Action Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
10 to represent.

11 4. I worked for Defendants as a non-exempt employee, paid on an hourly basis in addition
12 to non-discretionary bonuses, in San Diego, California between July 2007 to May 2023. At all times
13 during my employment, I was paid on an hourly basis in addition to earning non-discretionary bonuses
14 and was entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime
15 wages for all hours worked. Throughout my employment, I was subject to Defendants’ written
16 policies and procedures.

17 5. Generally, my lawsuit claims that Defendants failed to pay for all hours worked, failed
18 to include non-discretionary bonuses into the regular rate of pay for the purposes of overtime, meal
19 premiums, and sick pay, failed to provide meal breaks and rest breaks, and failed to reimburse
20 employees for mandatory business expenses.

21 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
22 to represent because I was subject to the same alleged unlawful employment policies and practices at
23 issue in this action, including but not limited to, Defendants’ failure to pay for all hours worked, failure
24 to include non-discretionary bonuses into the regular rate of pay, failure to provide meal breaks and
25 rest breaks, and failure to reimburse employees for mandatory business expenses. Factually,
26 Defendants’ policies and practices apply class wide, and Defendants’ liability can be determined by
27 facts common to all members of the Class.

1 7. Further, there is no conflict between my interests and the interests of the class that I am
2 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
3 I was injured by the same company-wide policies and practices to which the proposed Class was
4 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
5 of the Class by initiating this litigation, undertaking extensive class document evaluation, and
6 evaluating the proposed settlement to assure that it is fair.

7 8. I understood at the time that I filed this action, that as a Class Representative, I owed a
8 duty to the putative class members to faithfully prosecute this action with their best interests at the
9 forefront of every decision. I understood that I could not make any decision in this action for the sole
10 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
11 sacrifice my personal best interests for the benefit of the interests of the putative class members.
12 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
13 relief for my former co-workers for what I perceived to be Defendants' unlawful wage and hour
14 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
15 litigation and will continue to do until this litigation is fully and finally resolved.

16 9. I believe that the proposed settlement before the Court is fair, reasonable and adequate,
17 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
18 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

19 I declare under the penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed on 10/03/2024, in San Diego, California.

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22 By: 
JUSTIN CABATIT
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